

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4003 of 2025

Arising Out of PS. Case No.-6 Year-2024 Thana- MAHUAWA District- East Champaran

Nikesh Mahto @ Nikesh Kumar @ Bikash Kumar Son of Late Naresh Mahto
@ Late Naresh Mahato Resident of Village - Sagar Churaman, Police Station
-Kesariya, District - East Champaran

... .. Petitioner/s

Versus

1. The State of Bihar
2. The Commandant S.S.B., Motihari, East Champaran, through Union of India
Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shakil Ahmad Khan, Advocate
For the Opposite Party/s : Mr. Nawal Kishore Prasad, APP

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

3 23-04-2025 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in Mahuawa P.S. Case No.
6 of 2024 instituted for the offences under Sections 8, 20(b)(ii)
(B) of the NDPS Act.

3. Prosecution allegation, in short, is that the total 78.6
Kilogram *ganja* has been recovered in this case.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and has falsely been implicated in the
present case. The petitioner is in custody since 19.07.2024 and



has got no criminal antecedent. There is no allegation of tampering of witnesses alleged against the petitioner. Learned counsel further submits nothing has been recovered from the conscious possession of the petitioner.

5. Learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner. Learned A.P.P. submits that recovered contraband is above the commercial quantity, hence, there is bar under Section 37 of the N.D.P.S. Act.

6. Considering the aforesaid facts and circumstances of the case and recovery of contraband beyond commercial quantity coupled with embargo under Section 37 of the N.D.P.S. Act, this Court is not inclined to grant bail to the petitioner.

7. The prayer is rejected.

(Rudra Prakash Mishra, J)

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